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| EXAMINER |
|---|
| DAO, THUY CHAN |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _03_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _25 April 2007_.

2a)☒ This action is **FINAL**.      2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,5-15,17-26 and 28-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 June 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1. This action is responsive to the amendment filed on April 25, 2007.

2. Claims 1-2, 5-15, 17-26, and 28-30 have been examined.

## Response to Amendments

3. Per Applicant's request, claims 1, 13, 25, and 30 have been amended. Claims 3-4, 16, and 27 have been canceled.

4. The objection to the specification is withdrawn in view of Applicant's amendments.

5. The 35 USC §112, second paragraph rejection over claims 3-4, 16, 27, and 30 is withdrawn in view of Applicant's amendments.

6. The 35 USC §101 rejection over claims 1-12 is withdrawn in view of Applicant's amendments.

## Response to Arguments

7. The Applicant is thanked for a thorough reply. Applicant's arguments have been considered but are moot in view of the new grounds of rejection – see paragraphs 10 and 11.

## Claim Objections

8. Claim 7 is objected to because of minor informality. The acronym "XML" should be spelled out at the first appearance in claims.

Appropriate correction is required.

## Claim Rejections – 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-2, 5-15, 17-26, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,009,455 to Doyle (art made of record, hereinafter "Doyle") in view of US Patent Publication No. 2003/0236577 A1 to Clinton (art made of record, hereinafter "Clinton").

**Claim 1:**

Doyle discloses a system and *a computer readable storage medium having a program for automating the life cycle of a distributed computing software application* (e.g., FIG. 2a, col.3: 42 – col.4: 10),

*where the distributed computing software application utilizes computing resources distributed over a network* (e.g., FIG. 2a-2f, idle Client Computers 11), *the program comprising logic configured to perform the steps of:*

*creating a task list which describes how at least one stage in the life cycle of the distributed computing software application is to be performed* (e.g., col.8: 1-37); *and*

*processing the task list by a process engine to perform at least one stage in the life cycle* (e.g., FIG. 7, col.9: 9-67),

*where a development environment is used to develop the distributed computing software application* (e.g., FIG. 8a-8c, col.6: 30-55; FIG. 6, col.7: 46 – col.8: 37).

Doyle does not explicitly disclose *the process engine is integrated with the development environment.*

However, in an analogous art, Clinton further discloses *the process engine is integrated with the development environment* (e.g., application sourcecode, object scripts, script editor, script engine integrated within an IDE, [0058], [0103], [0117], [0146], [0185]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Clinton's teaching into Doyle's teaching. One would have been motivated to do so to provide a utility to design and deploy application as

well as edit, insert/integrate scripts into application object runtime components as suggested by Clinton (e.g., [0058], [0185], [0012], [0103]).

**Claim 2:**

The rejection of claim 1 is incorporated. Clinton further discloses *the development environment is an integrated development environment* (e.g., [0058]).

**Claim 5:**

The rejection of claim 1 is incorporated. Doyle also discloses *the software application utilizes computing resources through service providers connected to the network* (e.g., col.3: 42 – col.4: 10).

**Claim 6:**

The rejection of claim 1 is incorporated. Doyle also discloses *the task list is stored in a text file* (e.g., col.8: 1-37).

**Claim 7:**

The rejection of claim 6 is incorporated. Doyle also discloses *the text file is an XML file* (e.g., col.9: 9-67).

**Claim 8:**

The rejection of claim 1 is incorporated. Doyle also discloses *the task list includes a first task, wherein the first task packages into a single file all files needed to run the software application* (e.g., col.7: 46 – col.8: 37).

**Claim 9:**

The rejection of claim 1 is incorporated. Doyle also discloses *the task list includes a second task, wherein the second task distributes the software application to at least one remote computing resource* (e.g., col.8: 1-37).

**Claim 10:**

The rejection of claim 1 is incorporated. Doyle also discloses *the task list includes a third task, wherein the third task executes the software application on at least one remote computing resource* (e.g., col.9: 9-67).

**Claim 11:**

The rejection of claim 1 is incorporated. Doyle also discloses *the task list includes a fourth task, wherein the fourth task collects results from at least one remote computing resource* (e.g., FIG. 7, col.9: 9-67).

**Claim 12:**

The rejection of claim 1 is incorporated. Doyle also discloses *the task list includes a fifth task, wherein the fifth task removes the software application from at least one remote computing resource* (e.g., col.7: 46 – col.8: 37).

**Claims 13-15 and 17-24:**

Claims 13-15 and 17-24 recite the same limitations as those of claims 1-2 and 5-12, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the references teach all of the limitations of the above claims, they also teach all of the limitations of claims 13-15 and 17-24.

**Claims 25-26 and 28-30:**

Claims 25-26 and 28-30 recite the same limitations as those of claims 1-2 and 5-12, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the references teach all of the limitations of the above claims, they also teach all of the limitations of claims 25-26 and 28-30.

11. Claims 1, 13, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,983,400 to Volkov (art made of record, hereinafter "Volkov") in view of Clinton.

**Claim 1:**

Volkov discloses a system and *a computer readable storage medium having a program for automating the life cycle of a distributed computing software application* (e.g., FIG. 2B, col.6: 59 – col.7: 37),

*where the distributed computing software application utilizes computing resources distributed over a network* (e.g., FIG. 2A, col.4: 23-61), *the program comprising logic configured to perform the steps of:*

*creating a task list which describes how at least one stage in the life cycle of the distributed computing software application is to be performed* (e.g., FIG. 4, col.14: 62 – col.15: 55); *and*

*processing the task list by a process engine to perform at least one stage in the life cycle* (e.g., col.7: 39 – col.8: 67; col.13: 41 – col.14: 37),

*where a development environment is used to develop the distributed computing software application* (e.g., col.1: 18-67).

Volkov does not explicitly disclose *the process engine is integrated with the development environment.*

However, in an analogous art, Clinton further discloses *the process engine is integrated with the development environment* (e.g., application sourcecode, object scripts, script editor, script engine integrated within an IDE, [0058], [0103], [0117], [0146], [0185]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Clinton's teaching into Volkov's teaching. One would have been motivated to do so to provide a utility to design and deploy application as well as edit, insert/integrate scripts into application object runtime components as suggested by Clinton (e.g., [0058], [0185], [0012], [0103]).

**Claim 13:**

Claim 13 recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the references

teach all of the limitations of the above claim, they also teach all of the limitations of claim 13.

**Claim 25:**

Claim 25 recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the references teach all of the limitations of the above claim, they also teach all of the limitations of claim 25.

## Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on the first Monday of the bi-week, and every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao

TUAN DAM
SUPERVISORY PATENT EXAMINER